Some rights in Islam of refugees and asylum seekers, especially women and children

- All people fleeing persecution are entitled to asylum and the rights associated with that status.
- Measures to meet the needs of these individuals are a public duty.
- Refugees should not be left vulnerable to persecution and injustice.

The rights of the women and children of the host country are the same as the rights of women and children who are taking refuge there [8: 75]. That was why the Prophet declared brotherhood among the Muhajirun and Ansar and stated that “The rights of migrants are the same as those of their hosts.” In other words, such women and children, whether accompanied by their families or not, should be offered the same protection as women and children of the host country, in keeping with local or international law.

Any decision with regard to refugee children should take account of their basic interests [2: 220]. They are entitled to a healthy upbringing and education. From an Islamic perspective, children are innocent; their talents should be fostered [4: 2-4] and they should not be discriminated against.

Children and women, according to some interpretations of shari’a, being more vulnerable, should be treated with affirmative action (positive discrimination). The Muslim prophet reiterated the rights of women and children more than any other groups. Refugee children and women are among the most deprived people in the world and Muslims should allocate part of their charitable efforts to their support. From a religious perspective, what is offered to these individuals is theirs by right [70: 24, 25].

If the guardian of a child is granted asylum, the child has to be offered the same status thus preserving the right of children to remain with their family.

The right of these individuals to be reunited with their families should be respected. If the parents of these children are not found, the children’s relatives should provide protection.

The stage should be set for these refugees to return to their place of origin when such movement is deemed safe [9: 6].

They should be treated well at all times.

Conclusion

Islamic rules and regulations constitute a valuable source for protection of the rights of refugees, migrants and asylum seekers. In addition to contractual responsibilities, they could serve as a faith-based guarantor of the rights of refugees, particularly women and children. Further exploration of respected Islamic sources could result in new mechanisms in this regard.

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Human rights resources and links

Below are some starting points for anyone wishing to know more about human rights.

The United Nations Development Programme on Governance in the Arab Region (UNDP-POGAR) is dedicated to the promotion and development of good governance practices and related reforms in the Arab states; it works in partnership with key governance institutions including human rights institutions, legislatures, judiciaries and civil society organisations. www.pogar.org/

The Human Rights Index for the Arab Countries, sponsored by UNDP-POGAR [see above], is a repository for the entire set of UN documents pertaining to human rights and the responses, including formal reservations, by the Arab member states to the committees that monitor the core international human rights treaties. www.arabhumanrights.org/en/countries/country.aspx?cid=7

The Office of the UN High Commissioner for Human Rights (OHCHR) represents the world’s commitment to universal ideals of human dignity. www.ohchr.org

The Islamic Human Rights Commission is an independent, not-for-profit campaign, research and advocacy organisation based in London, UK, working in partnership with different organisations from Muslim and non-Muslim backgrounds. www.ihrco.uk/index.php

The Islam and Human Rights Fellowship Program at Emory University in the US explores the relationship between human rights and Islam and puts scholarship at the service of practical efforts to promote human rights in Islamic societies. www.law.emory.edu/ihrf/

The Institute for Human Rights of the Beirut Bar Association promotes the universal values stated in the Lebanese constitution and in the UN human rights conventions. www.bba.org.lb/subpage.php?lang=EN&cat=NDI3

The University of Minnesota Human Rights Library houses one of the largest collections of core human rights documents in nine languages – Arabic, Chinese, English, French, Japanese, Korean, Russian, Spanish and Swedish. www1.umn.edu/humanrts/

The Cairo Institute for Human Rights Studies (CIHRS) is an independent regional non-governmental organisation which promotes respect for the principles of human rights and democracy and analyses the difficulties facing the application of International Human Rights Law. www.cihrs.org/?lang=en

The human rights page on the UN website provides links to UN organisations, thematic issues, international courts and tribunals, and other resources, all focused on human rights. www.un.org/rights/index.shtml